



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

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Regional Director

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO JM CONVEYORS, LLC

Registration No. 11804

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1 – 1309, and - 1316, between the State Air Pollution Control Board and JM Conveyors, LLC, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. “Board” means the State Air Pollution Control Board, a permanent citizens’ board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and - 1301.
2. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
3. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. “Facility” means the JM Conveyors, LLC facility, located at 693 Clydesway Drive, Lebanon, Russell County, Virginia, which operates a conveyor belt structures, idlers and related components manufacturing facility.

5. “JM Conveyors, LLC” means JM Conveyors, LLC, a limited liability company authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. JM Conveyors, LLC is a ‘person’ within the meaning of Va. Code § 10.1-1300.
6. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
8. “Regulations” or “Regulations for the Control and Abatement of Air Pollution”, means 9 VAC 5 chapters 10 through 80.
9. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
10. “Va. Code” means the Code of Virginia (1950), as amended.
11. “VAC” means the Virginia Administrative Code.
12. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Facts and Conclusions of Law

1. JM Conveyors, LLC owns and operates the Facility in Russell County, Virginia. The Facility is a conveyor belt structures, idlers and related components manufacturing facility.
2. On April 19, 2018, DEQ staff met with a consultant for JM Conveyors, LLC regarding permit application. Information provided at the meeting indicated JM Conveyors, LLC had constructed, installed and operated equipment without a permit.
3. 9 VAC 5-80-1120 (A) states, “No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit.”
4. On May 4, 2018, based on the April 19, 2018 meeting, the Department issued a Notice of Violation No. ASWRO000906 to JM Conveyors, LLC for the alleged violation described in paragraph C(2) above.

5. On May 3, 2018, the Department received a permit application for JM Conveyors, LLC.
6. On May 15, 2018, the Department received a telephone and electronic response to the NOV from representatives of the Facility.
7. Based on the results of the April 19, 2018 meeting, the May 5, 2018 permit application submittal and the May 15, 2018 telephone and electronic response, the Board concludes that JM Conveyors, LLC has violated 9 VAC 5-80-1120 (A) as described in paragraph C(2) and C(3).

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders JM Conveyors, LLC and JM Conveyors, LLC agrees to:

Pay a civil charge of \$5,200 within 30 days of the effective date of the Order in settlement of the violation cited in this Order.

Each payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

JM Conveyors, LLC shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, JM Conveyors, LLC shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of JM Conveyors, LLC for good cause shown by JM Conveyors, LLC, or on its own motion pursuant to the Administrative Process Act Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses only those violations specifically identified in Section C of this Order and NOV No. ASWRO000906 dated May 4, 2018. This Order shall not preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding

any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, JM Conveyors, LLC admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. JM Conveyors, LLC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. JM Conveyors, LLC declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board or Director to modify, rewrite, amend, or enforce this Order.
6. Failure by JM Conveyors, LLC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. JM Conveyors, LLC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. JM Conveyors, LLC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. JM Conveyors, LLC shall notify DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or

noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition listed above, which the parties intend to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with a requirement of this Order.

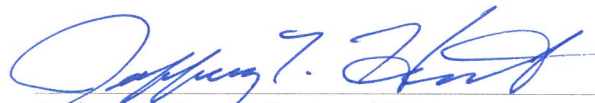
9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and JM Conveyors, LLC. Nevertheless, JM Conveyors, LLC agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after JM Conveyors, LLC has completed all of the requirements of the Order.
 - b. JM Conveyors, LLC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order, or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to JM Conveyors, LLC.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve JM Conveyors, LLC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by JM Conveyors, LLC and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of JM Conveyors, LLC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind JM Conveyors, LLC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of JM Conveyors, LLC

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, JM Conveyors, LLC voluntarily agrees to the issuance of this Order.

And it is ORDERED this 2nd day of July, 2018


Jeffrey L. Hurst - Regional Director
Department of Environmental Quality

JM Conveyors, LLC voluntarily agrees to the issuance of this Order.

Date: 6/19/18 By: [Signature]
Karl A. Calandra, Executive Vice President
JM Conveyors, LLC

State of Pennsylvania

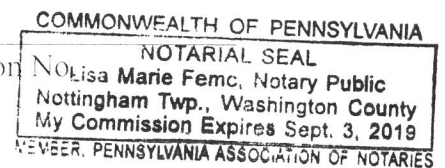
City/County of ALLEGHENY

The foregoing document was signed and acknowledged before me this 19TH day of
JUNE, 2018 by KARL A. CALANDRA who is
EXECUTIVE VICE PRESIDENT of JM Conveyors, LLC, on behalf of
the company.

[Signature]
Notary Public

11804

Registration



My commission expires: _____

Notary Seal: